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CONNECTICUT EXAMINING BOARD FOR
BARBERS, HAIRDRESSERS AND COSMETICIANS

Re: Charles ~~Joseph~~, Jr.
License No. 02257

MEMORANDUM OF DECISION

The Department of Health Services presented the Connecticut Examining Board for Barbers, Hairdressers and Cosmeticians (Board) with a Statement of Charges brought against Charles Joseph, Jr. (Respondent) dated August 8, 1986. A Notice of Hearing, dated August 22, 1986 was attached to the Statement. The Statement of Charges alleges in three counts that the Respondent violated Conn. Gen. Stat. §§ 20-257 and 20-263 in that he employed Denise Amitrano, an unlicensed hairdresser/cosmetician, from approximately February, 1984 until September, 1985 in the Respondent's place of business.

A Consent Order issued by the Department was signed by the Respondent and the Department on August 28, 1986. The Board, which has final discretion on the Order, chose to reject the Consent Order.

The Department issued an Amended Statement of Charges on November 25, 1986. The hearing was scheduled for January 26, 1987. The hearing was rescheduled, due to inclement weather, for March 2, 1987 and was held on that date.

The Department was represented by Attorney Geoffrey Mandly and the Respondent was represented by Attorney James J. Murphy, Jr. Both parties were given the opportunity to respond and present evidence and argument on all issues and were permitted to conduct cross examination.

The members of the Board involved in this decision attest that they have either read the record or heard the case.

FINDINGS

1) The Respondent was the holder of Connecticut hairdresser/cosmetician license number 02257 at all pertinent times.

2) The Respondent was, at all pertinent times, the owner/operator of a hairdressing establishment known as The Hairdressers, Ames Shopping Plaza, Salem Turnpike, Norwich, Connecticut.

3) On or about January, 1984 and continuing until approximately February, 1985 the Respondent employed Denise Amitrano as a hairdresser/cosmetician at The Hairdressers, Respondent's place of business.

4) At all times prior to August, 1985, Denise Amitrano was not licensed by the State of Connecticut as a hairdresser/cosmetician.

5) The Respondent assumed that Denise Amitrano would take any necessary steps towards obtaining a Connecticut license in good standing.

6) The Respondent did not ask Denise Amitrano to present her license at any time before the Respondent interviewed her nor at any time while the Respondent employed Denise Amitrano.

7) The Respondent knew or should have known that Denise Amitrano was not licensed to practice hairdressing/cosmetology by the State of Connecticut.

DISCUSSION

The Statement of Charges alleges in three counts that the Respondent violated Conn. Gen. Stat. §§ 20-263 and 20-257 by employing Denise Amitrano, an unlicensed hairdresser/cosmetician, in his place of business from approximately February 1984 to February 1985.

The First Count charges that the Respondent engaged in fraud or material deception in the course of his activities, thereby violating Conn. Gen. Stat. § 20-263. During his interview with Denise Amitrano, she showed her inactive Tennessee hairdressing license to the Respondent. Denise Amitrano told the Respondent that Connecticut would accept this. The Respondent

knew at that time that Denise Amitrano did not have a Connecticut hairdressing/cosmetician license but hired her nonetheless.

The Second Count charges that the Respondent engaged in illegal, incompetent or negligent conduct by employing an unlicensed hairdresser/cosmetician, which violates Conn. Gen. Stat. § 20-263.

The Third Count charges that the Respondent aided and abetted the practice of hairdressing and cosmetology by an unlicensed person, violating Conn. Gen. Stat. §§ 20-257 and 20-263. The Respondent did not pursue the matter of Ms. Amitrano's license except to orally inquire if her license was "squared away."

The Board concludes that all three counts are proven as alleged. The Respondent's act of hiring and employing a hairdresser/cosmetician at his place of business who was not licensed in the State of Connecticut establishes the basis for the Board's decision.

ORDER

Pursuant to its authority under Conn. Gen. Stat. §§ 19a-17 and 20-263, the Examining Board for Barbers, Hairdressers and Cosmeticians hereby orders that, effective twenty-one (21) days from the date of this order:

(1) The Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00), payable by certified check to the State Treasurer within thirty (30) days of the effective date of this order;

(2) The Respondent shall be placed on probationary status for a period of one year, subject to the following conditions:

a. that Respondent shall not employ any hairdresser or cosmetician in his place(s) of business who are not licensed as such by the State of Connecticut Department of Health Services;

b. that Respondent shall, within thirty (30) days of the effective date of this order, provide to the Department of Health Services Hearing Office, 150 Washington Street, Hartford, CT 06106, a complete list of the names and addresses of all hairdressers or cosmeticians employed by him within Connecticut. Should the Respondent hire any new

hairdressers or cosmeticians during the one-year probationary period, Respondent shall immediately notify the above-referenced Hearings Office of their names and addresses.

(3) If any of the conditions set out in part (2) of this order are violated during the stated probationary period, the Respondent's license may be suspended or revoked as the Board then deems appropriate.

10 - 19 - 87
Date

Ralph Cobuzzi
Chairperson